

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

DR 1994-006770

03/30/2010

HON. RANDALL H. WARNER

CLERK OF THE COURT
C. Danos
Deputy

IN RE THE MARRIAGE OF
HENRY COLE BOBBE

DANIEL A ZANON

AND

CYNTHIA A WELLS

CYNTHIA A WELLS
7430 W VIA MONTOYA DR
GLENDALE AZ 85310

MINUTE ENTRY

Courtroom 911 -- East Court Building

1:35 p.m. This is the time set for return hearing on a petition filed by Mother 11/13/09. Petitioner/Father Henry Cole Bobbe is present with counsel, Daniel A. Zanon. Respondent/Mother Cynthia A. Wells is present on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Case status is discussed.

1:50 p.m. Court stands at recess for the court to obtain a hearing date.

1:52 a.m. Court reconvenes with respective parties and counsel present.

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Mother has filed a petition for order to show cause re: failure to follow prior court agreement re: visitation and related matters. The court construes this petition as seeking modification of child support and reimbursement of certain expenses, including unreimbursed medical expenses and an educational expense. The court will set an evidentiary hearing on all these issues. There is a dispute between the parties regarding whether any modification of child support should be retroactive to the filing of the petition. That dispute will also be resolved at the time of the evidentiary hearing. It is Father's position that any modification should not be retroactive to the filing of the petition because the petition does not meet the requirements of a petition to modify child support and only now is being construed as such.

EVIDENTIARY HEARING SET

IT IS ORDERED setting an evidentiary hearing on the petition for **May 24, 2010 at 3:45 p.m. (one hour)** in this division before:

**The Honorable Randall H. Warner
Maricopa County Superior Court
East Court Building
101 W. Jefferson
9th Floor, Courtroom 911
Phoenix, AZ 85003**

IT IS FURTHER ORDERED that the parties shall exchange updated Affidavits of Financial Information along with copies of their three most recent tax returns no later than **April 23, 2010**

Failure of a party to appear may result in the court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

IT IS FURTHER ORDERED:

1. **Time Allotted.** Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party presumptively will be allowed half of the available time to present all direct, cross and redirect examination and any argument. For each hour of trial time, this court generally allocates 25 minutes to each party. The parties are expected to complete the trial in the allotted time. If a party believes that more trial time is needed, he or she must file a motion at least 30 days before the trial setting forth good cause to enlarge the trial time. Failure to timely file such a motion will be deemed a waiver of any argument that more trial time is needed.

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2. **Pretrial Statements.** The parties shall file and provide this Division with a copy of a **Joint Pretrial Statement or Separate Pretrial Statements** pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days before trial.

The Pretrial Statement shall include:

- a. All information required by Rule 76.
- b. A description of each disputed issue the court must decide, and a statement of each party's position on that issue. Absent good cause shown, failure to list an issue in the Pretrial Statement will be deemed a waiver of that issue.
- c. If there are disputed custody or parenting time issues, a specific proposal for custody and parenting time.
- d. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party.
- e. A list of witnesses to be called at the hearing. Absent good cause shown, failure to list a witness will result in that witness being excluded.
- f. A list of exhibits to be used at the hearing. Absent good cause shown, failure to list an exhibit will result in that exhibit being excluded.
- g. A list of objections to the other party's exhibits. Any objection not listed in the Pretrial Statement will be deemed waived.

3. **Trial Exhibits.** Exhibits for use at trial shall be delivered to the Clerk of this Division at least **five (5) days** before trial for marking. **If exhibits are not delivered to the Clerk five days in advance, you may be required to use trial time for the marking of exhibits.** In addition, each party shall deliver a copy of his/her exhibits to the opposing parties at least five days before trial.

The parties should also provide a copy of exhibits to the judge on the day of the trial. This allows the judge to see the exhibits at the same time they are being presented to witnesses.

4. **Settlement.** Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the court as required by Rule 70, Arizona Rules of Family Law Procedure. If the parties reach a full settlement before trial, the court will vacate the trial only if (1) it receives a Notice of Settlement pursuant to Rule 70, Arizona Rules of Family Law

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Procedure, or (2) both parties inform the court of the settlement in an on-the-record telephonic conference. Oral notification to court staff or voicemail messages left with the court are insufficient. If the parties desire to place agreements on the record, they should contact this Division to schedule a telephonic conference.

5. **Continuances.** Motions to continue the trial filed more than 30 days before trial will not be granted absent a showing of good cause. Motions to continue the trial filed less than 30 days before trial will not be granted absent a showing of extraordinary circumstances.

6. **Disclosure and Discovery.**

a. Both parties shall complete all disclosure required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to trial.

b. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure shall be completed 15 days before trial.

7. **Discovery And Other Pre-Trial Disputes.** If the parties have a dispute concerning discovery matters, or any other pre-trial dispute that requires court intervention, they may contact this division to schedule a telephonic conference before filing formal discovery motions. Before such telephonic conference, counsel or the parties shall personally consult with each other to either resolve the dispute or narrow the issues.

8. **Trial Record.** All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

1:56 p.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.